

ORIGINAL

COMMISSIONERS
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**ARIZONA CORPORATION
COMMISSION**



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Arizona Corporation Commission

DOCKETED

May 11, 2017

MAY 11 2017

DOCKETED BY
[Signature]

Dear Commissioner Burns:

Re: APS Dockets E-01345A-16-0036 & E-01345A-16-0123

I received an email from you on Tuesday May 9th, 2017 requesting an "urgent" Staff Meeting be held regarding various motions relating to the Arizona Public Service Company (APS) rate case (Docket No. E-01345A-16-0036/E-01345A-16-0123).

After having inquired of all the Commissioner's offices, no Commissioners are available on the dates that you have suggested (see attached). Due to the proximity of the dates suggested and Commissioner's schedules we will need to seek alternative dates. My office will continue to work with all offices to secure a time when Commissioners are available.

Sincerely,

[Signature: Tom Forese]
Tom Forese
Chairman

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AZ CORP COMMISSION
DOCKET CONTROL
2017 MAY 11 A 10:51

Brandon Nelson

From: Bob Burns
Sent: Tuesday, May 09, 2017 5:11 PM
To: Tom Forese
Cc: Bob Burns; Ted Vogt; Brandon Nelson
Subject: Staff Meeting Request

Dear Chairman Forese:

I have urgent matters that need to be addressed by the Commission by early next week at the latest. Thus, I am requesting that you schedule a Staff Meeting as soon as possible and propose the following dates as options:

Thursday, May 11, 2017 - anytime

Monday, May 15, 2017 – anytime

Tuesday, May 16, 2017 -- anytime

Here is the proposed Staff Meeting language:

Commission consideration, discussion, and possible vote related to Commissioner Burns' motions filed in the APS Rate Case Docket Nos. E-01345A-16-0036, E-01345A-16-0123: (1) EMERGENCY MOTION OF COMMISSIONER ROBERT BURNS FOR RELIEF (1) CONFIRMING THAT THE ADMINISTRATIVE LAW JUDGE WILL FACILITATE CALLING AND QUESTIONING OF HEARING WITNESSES; AND (2) APPROVAL OF HIS COUNSEL TO PARTICIPATING IN QUESTIONING (EXPEDITED RULING AND SUSPENSION AND CONTINUANCE OF HEARING REQUESTED) (filed 4-26-17); and (2) COMMISSIONER BURNS' MOTION FOR DETERMINATION OF DISQUALIFICATION AND FOR STAY OF PROCEEDINGS PENDING FULL INVESTIGATION (EXPEDITED RULING REQUESTED) (filed 4-27-17). Consideration to include discussion of impact of pending request for determination of disqualification on authority of various Commissioners to act on the motions.

Although I do not believe it is necessary or appropriate for the Commission as a whole to rule on my motions in the APS rate case, particularly because the motions raise issues concerning disqualification of Commissioners from participating in the APS rate case, the Administrative Law Judge has declined to rule on my motions, and stated she would defer to the Commission to address the matters detailed in the pending motions. This request for a Staff Meeting does not constitute any agreement or concession that such action is legally required or a prerequisite to me seeking any other relief, including through the courts. Given the timeline in the APS rate case, an expedited Staff Meeting concerning my motions is required in the hopes it will facilitate properly arranging for the relief and action I have requested by my motions without having to seek court intervention. I appreciate your accommodation of this urgent timeline and know this is not the first time the Commission has scheduled a Staff Meeting with short notice to accommodate urgent requests. As you know, Commissioners always have the option to call into meetings if they cannot be present in person. Therefore, I request you schedule this Staff Meeting by next Tuesday, May 16, 2017. If you do not plan to schedule this meeting, please let me know via a response to this email right away. If there is not a meeting scheduled to discuss these matters as requested by early next week, it will be necessary for me to seek judicial relief. Thank you for your consideration.

Sincerely,
Bob

CERTIFICATION OF SERVICE

On this 11TH day of MAY, 2017, the foregoing document was filed with Docket Control as CORRESPONDENCE FROM CHAIRMAN TOM FORESE and copies of the foregoing were mailed on behalf of the Chairman to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link of the foregoing document to the following who have consented to email service.

E-01345A-16-0036 & E-01345A-16-0123

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